**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITON NO.2800 OF 2006**

Gabriel Employees Union ..Petitioner.

V/s.

Gabriel India Ltd. ..Respondent.

Mr.P.M.Mokashi for petitioner.

Mr.P.C.Pawaskar for respondent.

**CORAM : H.L.GOKHALE AND**
**J.P.DEVADHAR, JJ.**

**DATED : 14TH DECEMBER, 2006.**

**P.C. :-**

Heard Mr.Mokashi in support of the petition. Mr.Pawaskar appears for respondent. This petition has been notified for admission before this Bench since the learned Single Bench took a view that the matter requires to be looked into by Division Bench. The matter is otherwise within the jurisdiction of the Single Judge.

2. Petition seeks to challenge the order passed by the Industrial Court on a complaint (ULP) No.531 of 2006 on 19th October, 2006 declining to grant interim relief which the Petitioner Union had prayed in that

complaint. The case of the petitioner Union is that the respondent Management is engaged in the unfair labour practices by issuing notice dated 6th October, 2006 whereby the Company stopped manufacturing activity since the Industrial Court declined to grant interim relief. Hence the present petition is filed.

3. When the matter reached before us today, Mr.Pawaskar, learned counsel appearing for the respondent filed an affidavit of one Arundhati Sanjay Joshi who is the Senior Manager-Finance of the respondent Company. This affidavit states therein that the notice dated 6th October, 2006 is being treated as withdrawn. The Company has revoked the termination notice dated 6th October, 2006 served on the workman /staff. This is without prejudice to their notice dated 16/11/2006 declaring the closure of the Mulund factory under section 25FFA of the Industrial Disputes Act, 1947.

4. On a query from the Court, Mr.Pawaskar has stated that the workmen concerned will be eligible to receive their wages before from 6th October,2006 to 19th October, 2006 and he states that there payments have already been made.

5. It is also material to note that as far as

the petitioner union is concerned, it raised a dispute with respect to the subsequent notice dated 16th November, 2006 which is pending before the Conciliation Officer to consider or decide whether to admit for conciliation or not.

6. The learned Single Judge which was hearing this matter has granted an interim order whereby the respondent Company is restrained from shifting its plant and machinery. An undertaking given on behalf of the respondent Co. has been recorded. The order is passed by the learned Single Judge on 13th November, 2006. Mr.Pawaskar appearing for the respondent states that this will be effective from 15th January, 2006 and therefore, the protection namely that the plant and machinery will not be shifted will continue until 15th January, 2006.

7. In view of what is stated above, there is no reason to continue with this petition and for that matter even the ULP complaint since it seeks to challenge the earlier notice dated 6/10/2006 which has been since withdrawn.

8. In view of what is stated above, the petition will stand dismissed as rendered infructuous in the meanwhile.

9. Inasmuch as, the conciliation is pending and since the reliefs in favour of the petitioner is to continue until 15th January, 2006, we expect the Conciliation Officer to take his decision within this time limit and preferably within 2 weeks from today.

**(H.L.GOKHALE, J.)**

**(J.P.DEVADHAR, J.)**